

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 23-40175

KIMBERLEY KWYN WRIGHT,

Chapter 13

Debtor.

Judge Thomas J. Tucker

ORDER DISMISSING CASE

On January 10, 2023, a voluntary petition for relief under Chapter 13 was filed on behalf of the Debtor Kimberly Kwyn Wright, commencing this case. The petition in this case was signed only by Jenai Wright, purportedly as the Guardian for the Debtor (*see* Docket # 1 at pdf p. 6). But the Letters of Guardianship filed on January 11, 2023 (Docket # 10) state that they expire on “1/28/2022.” (*See* Docket # 10 at pdf p. 1 ¶ 3.) And the Letters of Conservatorship filed on January 11, 2023 (Docket # 10 at pdf p. 2) say that they expire on “3/4/2022.”

On January 24, 2023, the Court entered an order entitled “Order Requiring the Debtor and the Debtor’s Attorney to Show Cause in Writing Why this Case Should Not Be Dismissed, Due to the Petition Being Signed Only by Someone Who Apparently Is No Longer the Debtor’s Guardian or Conservator” (Docket # 26, the “Show-Cause Order”). The Show-Cause Order stated, in relevant part:

IT IS ORDERED that no later than January 31, 2023, the Debtor and the Debtor's attorney, Brian Philip Dunne, must file a written response to this Order, showing cause why the Court should not dismiss this case, because the petition was not signed by the Debtor or by the Debtor's guardian or conservator at the time of filing.

On January 26, 2023, the Debtor and her attorney filed a response to the Show-Cause Order (Docket # 27, the “Response”), admitting that the petition was not signed by the Debtor or

by the Debtor's guardian or conservator at the time of filing. (Resp. (Docket # 27) at ¶ 1 (After review of documents, and further investigation and communication with the probate Court, it is agreed that Debtor's daughter and representative, Jenai Wright, did not have the power or legal authority to sign the bankruptcy petition on behalf of the Debtor at the time the petition was signed.")).

Because the bankruptcy petition was not signed by the Debtor or by any authorized representative of the Debtor, the petition was a nullity, and this case must be dismissed.

Accordingly,

IT IS ORDERED that this case is dismissed.

Signed on January 27, 2023



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge